

REMARKS

The Office Action dated January 11, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-37 and 40-41 are currently pending in the application, of which claims 1, 15, 32, 37, and 40-41 are independent. Claims 1 and 15-37 have been amended, and claims 40-41 have been added, to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 37-38 have been canceled without prejudice or disclaimer.

On page 2 of the Office Action, claim 38 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0137948 to Komandur et al. ("Komandur"). Claim 38 has been canceled without disclaimer or prejudice. Accordingly, this rejection is moot, and it is respectfully requested that this rejection be withdrawn.

On page 3 of the Office Action, claims 1-3, 6, 8-11, 13-17, 20, 22-37, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Komandur in view of U.S. Patent No. 7,151,941 to Vanttinen et al. ("Vanttinen"). Claim 39 has been canceled without disclaimer or prejudice, and, thus, its rejection is moot and should be withdrawn. With respect to independent claims 1, 15, 32, and 37, the Office Action took the position that Komandur discloses all of the features of the claims except "if the monitoring indicates that the at least one condition is met, to send messages to the core network node

in response to message from the core network node.” The Office Action cited Vanttinen to remedy this deficiency of Komandur. Applicant respectfully traverses this rejection, because Vanttinen cannot be used to establish obviousness of the claims of the present invention.

Specifically, Vanttinen was subject to an obligation of assignment to the same entity as the present application at the time of the invention. Specifically, Vanttinen was published on December 19, 2006, which is more than three years after the present application was filed (July 24, 2003). The present application also properly claims priority to U.S. Provisional Patent Application No. 60/472,734, filed May 23, 2003.

Vanttinen was filed January 26, 2001. Thus, with respect to the present application, Vanttinen can only be applied, if at all, under 35 U.S.C. 102(e).

Vanttinen and the present application, however, were under an obligation of assignment to the same entity, Nokia Corporation, at the time of the invention. Evidence of this mutual obligation of assignment can be seen in the assignment of Vanttinen to NOKIA MOBILE PHONES LTD., of KEILALAHDENTIE 4, 02150 ESPOO, FINLAND recorded on January 26, 2001, at Reel 011483, Frame 0542, in comparison to the assignment of the present application to NOKIA CORPORATION of KEILALAHDENTIE 4, FIN-02150 ESPOO, FINLAND.

Nokia Mobile Phones Ltd. was an entity of Nokia Corporation. That the “mobile phones” group was one of the business groups of Nokia Corporation is demonstrated on the enclosed printout from Nokia’s corporate web page. Accordingly, it can be seen that

Vänttinen and the present application were under an obligation of assignment to the same entity, Nokia Corporation at the time of the invention.

As shown above, Vänttinen is only available as prior art, if at all, under 35 U.S.C. 102(e), and Vänttinen was subject to an obligation of assignment to the same entity as the present application at the time of the invention. Thus, 35 U.S.C. 103(c) prohibits the USPTO from using Vänttinen to show obviousness of the claims of the present application. For this reason, it is respectfully requested that the rejection be withdrawn.

The following comments, however, are provided for the Examiner's convenience.

None of the cited references teach the idea of locally controlling the timing of the release of a data communication link between a mobile device and a core network via an access network and wireless interface. In particular, there is no disclosure in the cited art of the technique of monitoring at the access network a condition of the wireless interface and, when the mobile device is determined to be out of reach, either (a) generating on behalf of the mobile device a response to Echo-Request (or equivalent) messages directed to the mobile device from the core network, or (b) otherwise sending a message to the core network in response to which the core network delays release of the data communication link.

These ideas are presented variously in the claims. For example, claim 1 recites, in part, "a core network comprising at least one core network node configured to support communication of packet data on the wireless interface and configured to release a data communication link associated with the mobile device in the absence of a response to one

or more messages directed to the mobile device.” Claim 15 likewise recites, in part, “sending one or more messages from the core network of the data communication system to the mobile device via the access network, wherein the core network is configured to release said data communication link in the absence of a response to said one or more messages.” The other independent claims also recite various similar features. These features are neither disclosed nor suggested by the combination of cited references.

In the rejection, reference is made to paragraph [0045] of Komandur, which describes a technique of storing data packets at a wireless content switch when a mobile station becomes unreachable, and delaying retransmission of the packets until it is determined that the mobile station is again reachable.

With regard to Vanttinen, the Office Action made particular reference to the abstract and claim 1, where Vanttinen refers to a method of locating a subscriber terminal involving a subscriber terminal sending location information in response to a request to do so from a core network via the radio network.

The apparent position of the Office Action is that it would have been obvious to have forwarded the location information of Vanttinen from the radio network to the core network after having detected (in accordance with Komandur) that the mobile device is not reachable. This position is problematic because it creates a paradox: if the mobile device is detected to have become unreachable, then the mobile device is unable to provide the radio network with core information and there is no location information for the radio network to forward to the core network. Thus, the proposed combination of

references would have been viewed as unworkable by one of ordinary skill in the art, and, thus, should be considered *per se* non-obvious.

MPEP 2143.01(V) states “THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE,” (Capital letters in original.) and explains that “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Moreover, MPEP 2145(III) states that “the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose.” The proposed combination would render the primary reference inoperable for its intended purpose by creating the paradoxical situation explained above. Thus, according to the MPEP, the combination should be deemed non-obvious.

In relation to claim 37, the Office Action further alleged that the out-of-reach message of claim 37 is the same as the location information message sent from the radio network to the core network in Vanttinen. The messages, however, cannot fairly be considered to be the same. The messages are contrastingly different: one indicates that the mobile device is out of reach, and the other indicates that the mobile device is in reach, in that it includes information provided by the mobile device regarding the location of the mobile device. Thus, one of ordinary skill in the art would not have had a reason to combine the teachings of Komandur and Vanttinen as proposed by the Office Action.

Accordingly, even if a new rejection were issued that substituted another reference, such as U.S. Patent Application Publication No. 2002/0009544 for Vanttinen, the combination of the newly cited reference and Komandur would not disclose or suggest all of the elements of any of the presently pending claims. In particular, it would not have been obvious to modify Komandur as proposed by the Office Action, for the reasons explained above.

The Office Action cited column 1, lines 6-10, of Vanttinen as providing a reason to combine the teachings of the references, because Vanttinen indicates that it relates “to a method of performing a function of the subscriber terminal location service in a packet-switched radio system, and to a packet-switched radio system employing the method.” However, this disclosure is disclosure of Vanttinen alone, not Vanttinen in combination with Komandur, and is simply an incentive to practice Vanttinen, not to combine Vanttinen with the teachings of any other reference. Thus, the proposed motivation falls short of explaining a reason why one of ordinary skill in the art would have modified Komandur as proposed by the Office Action. As a result, the combination constitutes impermissible hindsight reconstruction, and withdrawal of the rejection is respectfully requested.

On page 9 of the Office Action, claims 4, 5, 12, 18, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Komandur, Vanttinen, and further in view of U.S. Patent No. 7,154,903 of Sivalingham (“Sivalingham”). This obviousness rejection

also requires Vanttinen, and should be withdrawn for the same reasons explained above. Timely withdrawal is respectfully requested.

Furthermore, claims 4-5, 12, and 18-19 depend respectively from, and further limit, claims 1 and 15. Accordingly, claims 4-5, 12, and 18-19 recite patentable subject matter for at least the reasons discussed above with respect to the rejections of claims 1 and 15. For this additional reason, it is respectfully requested that the rejection be withdrawn.

On page 11 of the Office Action, claims 7 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Komandur, Vanttinen, and further in view of U.S. Publication No. 2002/0057658 A1 of Lim ("Lim"). This obviousness rejection likewise requires Vanttinen, and should be withdrawn for the same reasons explained above. Timely withdrawal is respectfully requested.

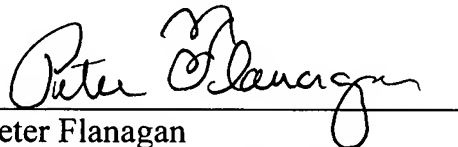
Furthermore, claims 7 and 11 depend respectively from, and further limit, claim 1. Accordingly, claims 7 and 11 recite patentable subject matter for at least the reasons discussed above with respect to the rejection of claim 1. For this additional reason, it is respectfully requested that the rejection be withdrawn.

For the reasons explained above, it is respectfully submitted that each of claims 1-37 and 40-41 recite subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-37 and 40-41 be allowed, and that this application be passed to issuance.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Flanagan", written over a horizontal line.

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Enclosures: Web Printout; Petition for Extension of Time (1 Month); Additional Claim Fee Transmittal; Check No. 16340



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Corporate governance

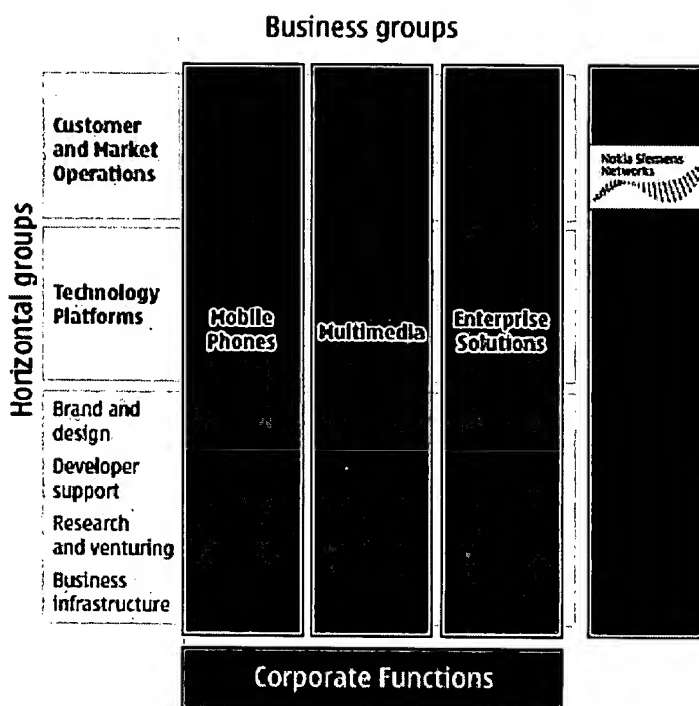
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FAQ

April 2007



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Enterprise Solutions offers businesses and institutions a broad range of products and solutions, including enterprise-grade mobile devices, underlying security infrastructure, software and services.

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